Full Text of the "Act to Regulate Corporations,"

Passed By the Extra Session of the Missouri Legislature, and Which Has Received the Official Signature of Governor Marmaduke.

AN ACT to Regulate Corporations. Be it enacted by the General Assembly of the State

Section 1. That all railways heretofore constructed or that may hereafter be constructed in this State, are hereby declared to be public highways, and all individuals, companies, corporations, trustees, receivers and lessees running and operating cars and trains upon such railways for the transportation of freight and passengers upon such railways, are hereby declared to be common carriers. All charges made for any service rendered in the transmade for any service rendered in the transportation of freight on such railways, including the receiving, delivering, storing and handling of such property, shall be reasonable and just, and all unreasonable and unjust charges for such service are prohibited and declared un-

SEC. 2. That if any such common carriers shall directly or indirectly by any special rate, rebate, drawback or other device, charge, demand, collect or receive from any person or persons, firm or corporation a greater or less compensation for any service rendered in the transportation of any kind of property upon such railroad within this State than it charges, demands, collects or receives from any other person or persons, firm or corporation for do-ing for him or them a like service in the transportation of a like kind of property under sub-stantially like circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibi-

ted and declared unlawful.

SEC. 3. It shall be unlawful for any such common carrier to make or give any undue or unreasonable preference or advantage to any particular person, company or firm, corporation or locality, in the transportion of goods, wares and merchandise of any character, or to subject any particular person, firm, corporation or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage with respect to such transportation; and all such common carriers shall ford equal facilities for the interchange of traffic between their respective lines, and for receiving, forwarding and switching cars and delivering property to and from their lines, and to and from other lines and places connected therewith, and shall not discriminate in their accommodation, rates or charges between such connecting lines and places. But this provision shall not be construed as requiring such common carriers to give the use of their tracks or terminal facilities to other common

carriers engaged in a similar business. SEC. 4. It shall be unlawful for any such common carrier to charge or receive any great-er compensation in the aggregate for the transportation of like kinds of property under simi-lar circumstances and conditions for a shorter than a longer distance over the same line in the same direction : provided, however, that nothing contained in this section shall apply to the car-riage, storage or handling of property. riage, storage or handling of property, either free or at reduced rates, for the United States, for the State of Missouri, or for any fair, exposition, religious, scientific, benevolent or charitable purposes, the propor-tion applicable to the transportation between such stations, of any charge made for the transportation of like kinds and quantities of prop-erty and under like circumstances and conditions between any stations in this and an adjoining State on the same or connecting and prorating lines of railroad, and all questions arising under this proviso shall be determined

by consideration of distance and cost.

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its contincombination with any other common carrier or and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

Sec. 6. That every such common carrier shall print and keep for public inspection schedules showing the rates for freight which such carrier has established and which are in force at the time upon the railroad or railroads operated by it as defined in the first section of this act. Said rates shall be reasonable and just and shall not in any case exceed the max-num rates which are or which may hereafter be established by law. Schedules as aforesaid shall contain the classifications of freight force upon such railroad or railroads, and if there be any rules or regulations which change. termine or affect any part of the aggregate of such rates, fares and charges, such rules and regulations shall accompany such schedule, Copies of such schedules, also such rules and regulations, if any, shall be kept posted in every depot or station upon any such veniently inspected by every person interested in the same. Copies of such schedules, also such rules and regulation, if any, shall be filed with the Railroad Commissioners of the State of Missouri, and from the date of such filing the rates, fares and charges specified in such schedules, not being in excess of any statutory maximum rates now or that may be reafter in force, shall be deemed the established rates, fares and charges of such common carrier until the same is changed as in this act Tished and published as aforesaid, by any such common carrier in compliance with the requirements of this act except after ten days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares and charges will go into effect; and the proposed changes shall be plainly indicated upon the schedules in force time and kept for public in-in like manner as herein Reductions in such published rates, fares and charges may be made without previ-ous public notice, but whenever any such re-duction is made, notice of the same shall be immediately publicly posted, and the changes made shall be immediately plainly indicated upon the schedules in force at the time and kept for public inspection, and copies of the schedules containing such changes shall be forthwith filed with said Railroad Commissionsuch public notice until changed as herein provided for changing schedules lawful for any such common carrier to charge, demand, collect or receive from any person or award the amount thereof and persons a greater or less compensa-tion for the transportation of the property or for any service in connection therewith than is specified in such published sched-ules of rates, fares and charges as may at the time be in force, except as herein may be spec fically permitted. It shall be the duty of the Railroad Commissioners to see that all schedules of rates prepared and adopted by common carriers are reasonable and just, and they may, upon complaint of any person, or upon their own motion and without complaint. make inquiry from time to time and determine whether the schedule of rates prepared and adopted by any such common carrier is reason

over continuous lines or routes within this State, such as in the first section of this act is described, operated by more than one common carrier, and the several common carriers operating such lines, or routes, establish joint rates, fares or charges for such continuous lines or routes, copies of such joint tariffs shall also be filed with the Railroad Commissioners of this State, and shall be published in such manner as may be directed by the commis-

SEC. 8. It shall be the duty of said Railroad Commissioners to see that such schedule of joint rates, fares and charges are reasonable and just, and that such schedule of joint rates. fares and charges shall be observed by all the common carriers who are parties to the same. common carriers who are parties to the same. But no such common carrier, party to any such joint tariff, shall be liable for the failure of any other such common carrier party thereto, to observe and adhere to the rates, fares and charges as made and published.

If any such common carrier shall neglect or remase for a period of thirty days to file or publish its schedules of rates, fares and charges, as provided for in this act. or any part of the lish its schedules of rates, fares and charges as provided for in this act, or any part of the same, it shall be the duty of the said Railroad Commissioners to make out and print a sched ule or schedules of reasonable rates for such common carrier, and deliver copy or copies of the same to such common carrier. "Such deletter, or by any sheriff in this State. It shall be the duty of every sheriff to serve and deliver the same whenever directed thereto by an order of said Board of Railroad Commissioners, and shall return the same in as in case of summons in civil suits. Such common carriers, for whom such schedules shall be made by said board, shall keep the same posted in their depots and stations as required in this act for schedules made out by ions of this act concerning the schedules required to be made by such commissioners, and the changing thereof shall apply to the schedules made by said board as provided in this section. The cost of preparing, printing and delivering said schedules shall be paid by such common carrier, and shall be specified in an order of said board, entered of record, and a copy of said order certified by the secretary of said board shall be prima facie evidence of the amount which ought to be paid and may be recovered in an action in the name of the State at the relation of said board before any court or justice of the peace in this State having jurisdiction of the amount thereof. A copy of such schedules so made by said board, certified by the secretary of said board, shall, in proceeding wherein is involved the reasonableness ions of this act concerning the schedules reing wherein is involved the reasonableness and justness of the charges and rates of such commissioners, be prima facle evidence that rates therein fixed are reasonable and just. SEC 9. It shall be unlawful for any such

THE SWAMP AND top which I ever listened was delivered by any other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destination within this State, and no break of bulk, stoppage or interruption made by such common carrier shall prevent the carriage of freight from being treated as one continuous carriage from the place of shipment to the place of destination. unless such break, stoppage or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous car-

riage or evade any of the provisions of this act: Provided that nothing herein contained shall be construed as requiring any railroad now belonging to class C, and connecting or crossing a trunk line on any branch thereof, to take and accept for its share and part of the earnings on freight that may be so received from such trunk line or any branch thereof, or shipped from its line over such trunk line or any branch thereof, a pro rata part of the total freight earnings from the point at which such shipment is received to the place of destination. SEC. 10. That in case any such common carrier shall do or cause to be done any act or thing in this act prohibited or declared to be unlawful, or shall omit to do any act or thing in this act required to be done, then such common carrier shall be liable to the person or persons injured thereby for three times the amount of damage sustained in consequence of the violation of the provisions of this act, ogether with a reasonable attorney's fee, to be fixed by the court, which fee shall be taxed and collected as part of the costs in the case. SEC. 11. That any person claiming to be damaged by any common carrier by reason of any violation of the provisions of this act, may bring suit therefor in any circuit court of any county or city into or through which the line basses, and such person or persons may make complaint as hereinafter provided, to the Railroad Commissioners. And if any proceeding is commenced under the provisions of this act, either in a court or before the said Railroad

Commissioners, the tribunal before which as aforesaid, such proceeding shall be pending SEC. 16. (I may compet any director, officer, not, within t receiver, trustee, agent or employe of the comnon carrier complained of in such suit to at-end as a witness and testify in such proceeding, and may also compel the production of the necessary books, papers and documents of such common carriers. SEC. 12. That any such common carrier in the first section described, or any of its offi ers, agents or employes, including receivers, trus-

tees and lessees, who alone, or with any other person, company or corporation, shall do or cause to be done, or shall permit to be done, any act, matter or thing in this act prohibited or declared to be unlawful, or shall aid or abet therein, or fail to do any act or thing in this act required to be done, or shall cause any act or thing not to be done which this act directs shall be done, or shall aid or abet any such omission, shall be deemed guilty of a violation of the law, and shall forfeit a sum not exceeding \$5,000 for each and every offense. SEC. 13. It shall be the duty of the Railroad Commissioners of this State to see that the provisions of this act are enforced. When complaint is made in writing by any person having an interest in the matter about which complaint is made that any rate or rates established by any such common carrier are unreasonable, unjust, or extortionate, or that any of the provisions of this act have been or are being violated, it shall be the duty of said Railroad Commissioners to proceed at once to investigate such complaint and determine the truth of the same, and for that purpose said Railroad Commissioners shall have power to summon witnesses and to require the production of any necessary books papers or certified as aforesaid, shall in any written documents in possession of the common carrier complained of, and to this end written and charges of such common carriers be prima or printed communications, signed by any one of such Railroad Commissioners and attested by the secretary of such commission, under seal and sent by registered letter through the mail or delivered personally to the person addressed, shall be deemed a sufficient service. Witnesses so summoned by said commissioners shall be entitled to the same fees as are allowed in circuit courts in or persons failing shall be deemed guilty of of the commissioners and lawful for any perontempt, and said Railroad Commissioners shall have power to impose such penalties as the Circuit Court of this State may impose for like offenses. And if any common carrier, or any officer, agent or servant thereof, shall wil-Railroad Commissioners from making such inshall be deemed guilty of misdemeaner, and on conviction thereof may be punished by fine not exceeding five hundred dollars. For the purose of conducting such examination such Rail-ad Commissioners, or any of them, shall have the power to administer oaths or affirmations. and they shall prescribe such rules and regulations for the conduct of such investigation as ney may deem best to enable them to arrive at the facts, but in every case a full and fair hear-ing shall be accorded to all parties having an interest in such case. Such Railroad Commissioners may institute any inquiry, on their own motion, in the same manner and to the same effect as though complaint had been made. No complaint shall at any time be dismissed be-cause of the absence of direct damage to the

Sec. 14. The forfeitures and penalties herein provided for shall go to the county school fund f the county where the complainant resides. if in this State, and if not, then where sued for and may be recovered in a civil action in the name of the State of Missouri, at the relation provided. No advance shall be made in the of the Board of Railroad Commissioners to the provided. So advance shall be made in the of the Board of Railroad Commissioners to the provided. So advance shall be made in the of the Board of Railroad Commissioners to the provided shall be made in the state of the Board of Railroad Commissioners to the provided shall be made in the provided shall be ma fense may occur, or into or through which the railroad operated by the railroad com-pany offending, or on which it operates, may run. It shall be the duty of the circuit or prosecuting attorney, and such additional counsel residing in such county, as such board may employ to prosecute the same, when di-rected by said board, and the attorneys prosecuting such suit shall receive for their services out of the amount collected by the suits, the compensation allowed by law on collections made on forfeited recognizances. The Attorney-General shall assist in the prosecution when directed by the Board of Railroad Com-missioners. And all suits instituted under the provisions of this act shall have precedence in all courts having jurisdiction thereof over all other suits therein excepting criminal actions. Sec. 15. Said Railroad Commissioners shall render a decision in every case investigated in accordance with the facts thereby ascertained, ers. Such changed schedules shall become
the established schedules from the date of
of such facts. In case that said Railroad Commissioners shall find in any case that any comherein provided for changing schedules of rates, fares and charges. When any such common carrier shall have established its rates fares and charges said decision, and also an order to such comed and published its rates fares and charges. and such common carrier shall have established and published its rates, fares and charges in compliance with the provisions of this act, the same not being in excess of any statuatory maximum rates then in force, it shall be unlawful for any such common carrier to charge. Havel for any such common carrier to charge, and also an order to such common carrier to desist immediately from such violation. In case they shall find that any injury or damage to any person or persons making a complaint as aforesaid, has accrued the amount thereof and incorporate to such common carrier to desist immediately from such violation. In case they shall find that any injury or damage to any person or persons of such violation, and also an order to such common carrier to desist immediately from such violation. In case they shall find that any injury or damage to any person of persons making a complaint as aforesaid, has accrued the same of the provisions of this act, the same not being in excess of any statuatory maximum rates then in force, it shall be unlawful for any such common carrier to desist immediately from such violation. In case they shall find that any injury or damage to any person or persons making a complaint as aforesaid, has accrued the provision of the provision o porate in their decision a statement thereof, and the names of the per-son or persons so damaged, together with an order to such common carrier to pay the same to such person by a date to be therein specified. In case that any such decision shall be against any such common carrier it shall pay all costs of the investigation, which costs shall be speci-fied in the decision of the said commissioners. ogether with an order to pay to them immediately the amount thereof. A copy of such de-cision, signed by the commissioners and attested by the secretary, and sealed with their seal, shall be furnished to each party in interest, either personally, by registered letter or in such other manner as the commissioners deem sufficient. Said commissioners make and preserve a record of all proceedings in every investigation, and of their decision therein, which shall be a public record and open to the inspection of any citizen of this State. "And if said common carrier shall refuse to pay the amount adjudged to be due, on or before the day specified aforesaid, said commissioners may, at their own instance, and shall, when requested by the person or persons injured or damaged, cause the Attornev-General or prosecuting attorney of the proper county to institute suits against such common carrier in the name of the State of Missouri, at the relation and to the use of the party injured or damaged, to enforce the payment thereof, together with costs; and upon the trial of such cause a certified copy of the award and deciscertified copy of the award and decis-ion of said commissioners shall be received as prima facie evidence of each and every fact therein stated: And provided, however, that

are due may institute suit for same in his own If the result of such examination be in favor of such common carrier, the amount of such costs shall be by the commissioners certified to the State Auditor who shall issue a warrant for the payment thereof out of any money in the State Treasury appropriated for that pur-SEC. 16. Where complaint is made as herein provided, and the commissioners are satisfied that if true it contains a substantial charge, that some one or more of the provisions of this act have been violated or are being violated. they may proceed informally by letter or other-wise to investigate and settle the matter complained of with the common carrier of whom complaint is made, or they may proceed make a preliminary investigation as to the charge; if satisfied that there is sufficient ground for complaint and that the matters complained of can not be adjusted without a theory of the provisions of the preceding section may be reviewed and changed or modified by the court rendering the same, at any time upon complained of can not be adjusted without a formal hearing, they shall fix a day for such hearing and notify both parties, which notice shall be in writing, either by letter or some other form, such as said commissioners may deem sufficient. At such hearing both parties shall have full opportunity to be heard. The commissioners shall have the power to adopt all such necessary rules and regulations as to method of proceedings, including the making up of issues, taking ings, including the making up of issues, taking including the making up of issue testimony, preserving the same, hearing argu-ments, making orders and awards, granting continuances and rehearings and all such other matters as may be necessary to a full and final disposition of the complaint. If upon any in-vestigation had by the Railroad Commissioners under the provisions of this act, such Railroad Commissioners shall find from the

of do, or omits to be done, anything in violation of the provisions of this act, it shall be the duty of such Railroad Commissioners forthwith to cause a copy of its findings in respect thereto to be delivered to such common carrier with a notice to such common carrier to cease or desist from such violation within a reasonable time to be specified by such Railroad Commis-

sioners.

SEC. 16. (a). That when the complaint specified in Section 22 of this act shall allege that unreasonable charges are made by any railroad company or companies subject to the provisions of this act, for the transportation of any freight thereby, or that the rates specified upon the schedule or schedules of rates made by such railroad company or companies, in obedience to the provisions of this act, are unjust, unreasonable or extertionate, it shall injust, unreasonable or extortionate, it shall be the duty of the Board of Railroad Commississioners, if in their opinion the facts alleged present a just cause of complaint; and if upon hearing there appears to said board to be reasonable grounds for believing that the facts so alleged are true, and if, in the opinion of the board the public good will be promoted by an examination thereof, to give notice in writing to the railroad company or companies against which such complaint shall have been made of the fact and served upon the railroad company or companie against which such complaint is made by delivering a copy thereof at the general office of such railroad company or companies to any person in charge thereof, or to any agent thereof at any depot or station thereof, or on any road which is operated, by such railroad company, by any messenger appointed by said board who would operated by such common carrier enters or be a competent witness in a suit at law in this State, or by any officer authorized to serve process, or by sending the same by reg-istered letter to such railroad company or companies at such general office, or to any such agent having charge of such depot or station SEC. 16. (b). If such common carrier shall not, within ten days after the service of such

> manner and to an extent satisfactory to said board, then said board may proceed to ex-amine said complaint, and for that purpose may give notice to the parties making, and against whom is made, such complaint: said notice to be served as provided for the services of notices aforesaid, wherein it shall require said common carrier to show cause before said board at any place within this State in said notice speci-fied, and upon a date not less than ten days after the service thereof, why said charges or rates should not be modified or changed. SEC. 16. (c). That if upon such examina-tion it shall appear to said board upon a full and fair hearing of the parties to said complaint that the facts therein alleged are true, and that such charges for rates should be changed or modified, then said board shall, by an order entered upon the records thereof, find and determine what would be reasonable and just charges or rates for the transportation by such common carrier complained of, freight of the class for which such charges or rates complained of were made; and a certified copy of such finding and order so made under the seal of said board, attested by the secretary thereof, shall be de livered to the complainants and such commo carrier against which such complaint is made by registered letter or otherwise, as may be preand charges of such common carriers be prima facie evidence that the same are reasonable and just. Such order may be revoked or

notice as aforesaid, change or modify such

charges or rates specified in such notice in ;

and just. Such order may be revoked or modified and renewed from time to time by said board, but no revocation or modification thereof shall go into effect until ten days after the order therefor shall be made.

SEC. 17. Where the complaint involves either a private or a public question as aforesaid, and the commissioners have made said, and the commissioners have made a lawful order or requirement in relation thereto, and where such common carrier or the proper officer, agent or employe thereof shall violate, refuse or neglect to obey any such order or requirement, it shall be the duty son or company interested in such order or re quirement to apply in a summary way, by pe tition to any Circuit Court of any county in this State or through which the line of railway of the said common carrier enters or runs allegly or knowingly obstruct and prevent said ing such violation or disobedience, as the case vestigations as are authorized by this act, they hear and determine the matter on such short notice to the common carrier complained of as the court shall deem reasonable. And such notice may be served on such common carrier, its officers, agents or servants in such manner as the court may rect; and said court shall proceed to hear and determine the matter speedily in such manner as to do justice in the premises; and to this end said court shall have power, if it thinks fit, to direct and prosecute, in such mode and by such persons as it may appoint, all such inquiries as may seem needful to enable it to form a just judgment in the matter of such petition. On such hearing the report of said commissioner shall be prima facie evidence of the matters therein stated; and if it be made to appear to uirement of said commissioners and enjoin bedience to the same. If such court shall hold

the court on such hearing, or on report of such persons appointed as aforesaid, that the lawful orders or requirements of such commissioners drawn in question have been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction or other proper process, mandatory or otherwise, to restrain such common carrier from further continuing such violation of such order or reand decide that any order of said Board of Rail-road Commissioners involved in such proceed-ing was not a lawful order, said court shall, without any reference to the regularity or legal ity of the proceedings of said board or of the order thereof, proceed to make such order as the said board should have made, and to en-force said order by the process of said court and to enforce and collect the forfeitures and penalties herein provided in all respects ac cording to the provisions of this act. In case of any disobedience of any such injunction of other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment or other proper process of said court incident or applicable to writs of injuncion or other proper process, mandatory or oth erwise, against such common carrier; and if a orporation, against one or more of the lirectors, officers or agents of the same, or igainst any owner, lessee, trustee, receiver o other person failing to obey such writ of in-junction or other process, mandatory or otherwise; and said court may make an order lirecting such common carrier or other person so disobeying such writ of injunction or other oper process, mandatory or otherwise, to pay such sum of money not exceeding for each car-rier or person in default the sum of one hundred dollars per day for every day, after a day to be named if the order that such carrier or othe other proper process, mandatory or otherwise and such money shall be payable to the school fund of the county in which such proceeding is pending; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attach-ment or order in the nature of a writ of execution in like manner as if the

same had been recovered by final decree in per sonam in such court. When the subject in dispute shall be of the value of \$100, or more, either party to such proceedings before such court may appeal to the proper appellate court in the State in the same manner that appeals are taken from such courts in this State in other proceedings involving like sums of money, but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon, unless stay of proceed-ings be ordered by the court from which the appeal is taken or by the appellate court to which the appeal is taken upon the applica-tion of the appealing party. Whenever any such petition shall be filed by the commissioners as aforesaid, it shall be the duty of the At torney General, when requested by said com missioners, to prosecute the same. All propeedings commenced upon such petition shall, upon application of the petitioner, be advanced upon the docket and take precedence of any other case upon the docket, except criminal cases. The cost of such proceedings may be, with the approval of the Attorney-General and Governor of the State, or when such suit is brought by any private person, and when brought by said commissioners. shall be ordered by the commissioners to shall be ordered by the commissioners to be paid, in the first instance, out of any money in the treasury not otherwise appropriated; and if upon final hearing the decision is against the said common carrier or other person against whom the proceeding is being prosecuted, such common carrier or person shall be hable for the costs, for which judgment may be rendered in any other case.

any other case.

SEC. 18. Upon any hearing by any court of any matter involving the reasonableness or un-reasonableness of the rates charged or proposed to be charged by any such common car-rier in its schedule or schedules of rates, the court shall make a finding as to what, in its opinion, is a reasonable and just rate of charge to be made by such common carrier, and shal thereupon enter judgment in accordance wit such finding, and make orders enforcing the

same. SEC 18 (a). Any finding and judgment made

tion.
SEC. 19. All the provisions of this bill shall be held to apply to shipments made from any point within the State to any point within the State, whether the transportation of the same shall be wholly within this State or partly Railroad Commissioners shall find from the testimony of witnesses or other evidence that any thing has been done or omitted to be done by any such common carrier in violation of this act or of any law of this State cognizable by said Railroad Commissioners or that any common carrier in violation of any law of this State cognizable by said Railroad Commissioners or that any common carrier in violation of this act or of any law of this State cognizable by said Railroad Commissioners or that any common carrier in violation of this act, such within this and adjoining State or States.

SEC. 20. In case that the Railroad Commissioners shall fail or refuse to perform any act be liable to proceedings in mandamus to compel the performance of such act or duty, and in addition thereto shall be liable to such fine within this and adjoining State or States common carrier as is described in section one sioners, or that any common carrier proposes as the court may impose, not exceeding \$500. fowl.

A majority of the Railroad Commissioners shall constitute a quorum to do business, and any act or decision of any two of them shall be taken as the act or decision of the commis-

sioners. Sec. 20 (a). To defray the necessary ex penses of the Railroad Commissioners in making investigations and prosecuting suits, and to pay all necessary costs attending the same, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of \$10,000, to be drawn upon warrest, of the State Auditor issued upon warrest. rant of the State Auditor, issued upon requisition of the Railroad Commissioners, approved by the Governor, which requisition shall be accompanied by an itemized statement of the costs and exenses to be paid. SEC. 21. This act is not intended to repeal any law now in force, unless in direct conflict therewith, but is intended to be supplemental

THE PRIDE OF ALGIERS.

Approved, July 5, 1887.

An Oriental Lover's Clandestine Visit to Zora, the Arab Rose. "Come, Kentucky, lover of beautiful women, and I will show you a women of Algiers whose strange beauty will make you forget all other women, no matter how fair they be, even though they be Kentuckians."

Thus spake young Ben Aboo, and I followed him in silence to the house of one Zora. She was an Arab women. noted for her beauty and her inaccessibility. Pilgrimages were often made, but mostly in vain, to the doorway of Zora. A few claimed to have caught the light of her eyes gleaming curiously from out behind her moresque winlow-a matter of small space closely meshed with heavy iron lattice-one had sworn to a rose flung from her time when the residence, improvement their duty to the world by remaining balcony. But there was an Arab brother unused to callers on the feminine members of the household-but not to ways and devices Oriental, not pleasant, in the main, to those on pleasure bent.

But difficulty of access, guarded vindows, even the dangerous relative, could not cool our young desire. She was known to Ben Aboo—that was enough. How, or when, what right,

pray, had I to ask? "Are we near!" "Sh! steady!" We and climbed almost to the top of a narrow, picturesque street, not far from Karbah. It was late-late for Algiers. A new moon, proud of herself, but very shy about shining near Zora's window, flung her light another way. We stood in the shadow of a balcony heavy with the weight of Algerian roses-perhaps an Arab rose was hidden there. In low; coaxing tones, like the cry of the dove to its coy mate, Ben Aboo called the name of Zeraonce, twice. There was a moment of silence-a rustle. Ah, the brother! no, a woman's voice; and such a voice -the flow of running water to a

scalded. thirsty soul-his name, Ben Ab-oo-oo. | hand. Was it the cry of a night-bird taught | Mr. Dean, of Toronto, cut on the head tails of the work. Mrs. Octavia V. some foundation for the belief that a to call his name, or was it in truth the and legs. voice of one Zora, the Arab Rose?

Aboo knew the secret way into the There, by the light of the new moon I saw the face of Zora, his betrothed. With her own hand she brought me something to drink. It was cool to the tongue and all delicious to the taste. She was clad in white. Gold and silver coils wound about the loveliness of her yellow ankles; smaller ones studded with sapphires shone on her arms. Her mouth was not a perfect mouth; neither was the nose more than passing fair. But those ayes! There was the beauty, there was the charm; they were full of strange light now a dreamy languor, now a flashing splendor. Of course she knew nothing of English, and less, if possible, of English-speaking men. She regarded me with wonder, and had Ben Aboo to ask me many questions about my dress, the customs of my land, and especially of the women and their attire. Finally, I slipped away, leaving them alone in the moonlight with the roses-and with love. - D. Sherley, in Louisville Courier-Journal.

ITEMS OF INTEREST.

-Mrs. E. J. Underwood, of Waynesoro, Ga., has a fan which she has been using for twenty-seven years. It yet wears all the marks of strength and durability.

-A women in Lowestoft, Eng., claims to have succeeded in teaching a and phrases, and to imitate the notes of other caged birds.

"Yes," said Miss Spinster, with an engaging simper, "I have only seen twenty-six springs." "Who is your oculist?" inquired Mr. Oldboy. "My oculist?" "Yes. If you have only seen twenty-six springs you must have been blind at some time."

-A New York girl has given a jeweler an order for a silver belt in links. Instead of Roman medalions on the linked plates, however, she wants the features of some of her young guests. The hotel, like the other houses, male friends cut in bas relief, and has furnished the photographs. They are trophies of her conquests, probably.

-On the occasion of Emperor William's ninetieth birthday Stangl and Walch, two old mountain guides of Berchtesgaden, ascended the Watyman and kindled bonfires on the summit. The Emperor gave each a valuable watch and chain in recognition of their bravery and loyalty .- Chicago

-A statement has long passed current in works of zoology that a scorpion when placed in circumstances apparently precluding the possibility of escaping with life, will deliberately sting itself in the back and thus commit suicide. Experiments made by a disprove this assertion.

-A late observer, Mr. E. Sandford, eports having made a common snail weight being but a quarter of an ounce. porizontal table, and supported four ounces while crawling on the ceiling. It even climbed a thread with another snail on its back .- Boston Budget.

at the head of his profession. He operspring wagon, and was always careful as \$100 per week for several months.

RELIEF GRANTED.

The Drought-Stricken Settlers in Colorado May Absent Themselves From Their Claim for One Year Without Prejudice. WASHINGTON, July 7 .- Commissioner sparks has written the following letter reply to A. F. Clapp, of Julesburg, Col., which explains itself: "I am in receipt of your letter stating that you are in the midst of a drought with no signs of crops; that there will be no hay, vegetables, etc.; that settlers are leaving to bunt for work. You state that claim- and senior class of the college, many holders do not want to lose their claims, of the trustees, and about thirty and that the question is daily asked if there are any chances of getting permits, and what steps are necessary. The distressing situation you mentioned appeals to my strongest sympathies in favor of actual settlers on he public domain who are suffering from drought and loss of crops, and whatever relief may, be possible within the discretion of this office will be extended to enable them to preserve their claims. The act of July 1, 1879, authorizes settlers, whose crops are destroyed by grasshoppers, to be absent from their lands for a period not exceeding one year, with the right to resume and perfect their cal, whether education should be utili settlement as though no such ab tarian or devoted to the development sence had occurred. Settlers, who are obliged to leave on account of the drought, should be prepared to account for their absence from this cause when they make final proof, but in such cases speakers did not believe that the colproof should not be offered until the law has been fully complied with after return to the land. An enforced absence n account of climatic reason will not imperil the claim if the fact is established when proof his made, and if proof is not attempted to be made in advance of the and cultivation required by law, can be satisfactorily shown."

SERIOUS ACCIDENT.

A Canadian Pacific Train Derailed Near Galt, Ont., and Several Passengers Badly

Injured. TORONTO, Ont., July 7 .- The accident on he Canadian Pacific Road at Galt Wednesday night was more serious than at first reported. The train ran off the track about one mile west of Galt, at a gravel-pit where a switch had been left economy requires large statistical twenty-five or thirty feet high, into swampy ground. The engine, baggagecar and smoker rolled down the embankment and turned over upside down. The ments, but there are higher services the growing period, against 596 during next coach, which was occupied princi- in this work, the superintending of the the opposite period. At an experipally by ladies, is partly off the rails, the collection and the drawing conclusions mental station in our own country front being down the bank.

The injured passengers were brought to the Queen's Hotel at Galt, and are being attended by the town doctors. None making the best use of statistics. A known at present, are as follows:

Conductor Rundel, cut on the head and bruised on the shoulders and legs. Fireman William Johnston, very badly ment houses. Since tenement-house

Engineer J. Spragge, badly scalded.

Baggageman George Lawrence, slightly niured in the spine. John Bogt, news agent, cut on the

Mr. Johnston, of Ayr, slightly injured. Prof. Trowbridge, of Columbia College, New York; General Trowbridge, of Degarden; it was not a new way to him. | troit, and Rev. D. Clement, of Ridgetown, | field. | Their ability in matters posbadly shaken. Annie Cruickshank, of Detroit, slightly

njured on the back. Mrs. Baldwin, of Ridge town, cut on the head and injured on the side. Mrs. Hedley, of Amherstburg, slightly

Mr. J. Farrell, of Mon treal, slightly in-

WHITE-CAPPED KNIGHTS.

An Organization with Ramifications in All That Justice Is Administered to Evil-Doers.

CLEVELAND, O., July 7 .- The Press has received from a member of the Knights of the Switch, who so terribly whipped a couple of disreputable women at Winchester, O., a week or two ago, and yesterday chastised the Naushee brothers at Corydon, Ind., a letter setting forth the character and aims of the organization. The informant alleges that the order was founded at Pittsburgh three years ago for the purpose of dealing with three murderers now in jail at that place, and who seem likely to escape legal hanging. "Your four robber," he continues, "will never escape, the Chicago anarchists will not escape even if given a new trial, and the jury will not escape us if they render a verdict of less than murder in the first iegree."

Several members of the Cleveland Common Council are threatened with extermination for having voted to pass an ordinance permitting Sunday base-ball playing. The official name of the organ negro ballad in his vest pocket with ization is "The White-Capped Knights." or "Invincibles of Law and Order." There are branches in every large city in the United States. Its avowed object is canary bird to repeat several words to mete out justice where the law is perwrted, or where it has no jurisdiction, and has for its motto: "Every evil tree that our Father has planted must be

rooted up.' Awful Disaster in Switzerland.

last night is now known to have been greater than was reported yesterday morning. Half of the new quays just completed along the street skirting the lake of Zug, suddenly sank into the lake, carrying with it the roadway and forty hurried explanation and succeeded in houses. Among the buildings was a crowded inn, known as the Hotel Zurich, four floors of which were filled with vanished completely from sight and took with it a large number of its inmates, the most of whom were in bed and asleep. There was scarcely any warning of the catastrophe, and it is likely that many of those who perished never knew what had happened. At least one hundred lost their lives. Among those in the hotel who failed to escape was M. Collin, the president of the Canton of Zug. An infant was found alive and unhurt floating about on the lake in its cradle. A large rescuing party is at work endeavoring to recover the dead from the water, or to find the living beneath the debris of houses that were wrecked, but not engulfed.

Badly Scorched.

GRAFTON, W. Va., July 6 .- A fire broke out here yesterday in a building on Latrobe street, and before it was checked totally consumed, with almost all their contents, twenty-eight building, includcollege professor in India, however, ing two of the largest hotels, two furniture stores, two drug sores, two millinery stores, the Standard-Enterprise newspaper office, one hardware store, one jewelry store, one clothing store and nish a first-class certificate when the carry a load of three and one-fourth a number of other stores, offices and y-1ounces up a perpendicular wall, its own vate dwellings. No organized fire department exists here, and only by the hardest work on the part of the citizens, A snail weighing a third of an ounce was the fire finally controled. The total drew a load of seventeen ounces on a loss will reach nearly \$100 000, and the in- returning from prayer meeting with

She Was Their Guest

PHILADELPHIA, July 7 .- The expenses -A chicken thief has recently been and her son in attending the reunion of was concluded, the groom, who aparrested at Xexia, O., who seems to be Pickett's division and the Philadelphia in blue. As soon as it was learned that and seemed greatly embarrassed. The ated with a two-horse covered Pickett's division had voted to settle the gleeful bride nudged him in the side to do his stealing out of his county. Pennsylvania regiment, says that the door. The young man only grew more It is known that his profits ran as high | members of the brigade at once notified the division that Mrs. Pickett and her son He would drive to the scene of his delphia brigade, who deemed it an honor the clergyman's good wife proceeded depredations in the night, and would to act as host to the lady, whose presence to entertain the young couple with up and discovered near by a mountain sometimes capture as many as 300 on the battlefield had added so much to cake and refreshments. At last about 200 feet high of solid red, gray and the pleasure of the reception.

COLLEGE-BRED WOMEN.

Some of the New Occupations Propos for Educated Young Ladies.

The growing demand of the time for women, and especially these educated by colleges, to be actively useled to an interesting discussion at Vassar College recently, upon "The Occupations of the Women College Graduates." The president, faculty alumnæ of Vassar and other colleges met in one of the college halls, which was decorated with vases of ferns and yellow lilies, to consider what had been done by educated women in America and to propose new paths of work and usefulness. After a paper which presented a view of the past and present, a discussion limited by time and not by lack of enthusiam, followed. The doubt of the time, whether the college should be analytical or synthetiof mind and character without aiming to prepare for especial work, characterized the discussion. Some lege should encourage women to be physicians or teachers, or any other professional workers; others thought it was the duty of a college to suggest occupations for graduates; a few thought that educated women fulfilled at home and quietly disseminating culture by personal influence; others

professional fields. Among the new occupations proposed for women was the collection and collating of statistics. The American eagerness for statistics is well known, and their increasing use as a basis for all discussions in political and a deep wisdom are required for

Another occupation for educated women is the management of teneies, it is necessary that a capable agent their rooms, and in many other little

Dairy farming, stenography. sanitary science and gardening, (were other occupations suggested, and it was strongly urged that the educated women should accept a position upon school boards whenever offered .-Chicago Times.

character.

WEDDING ANECDOTES.

A Clergyman's Amusing Chat on the Sub

ject of Marriage Fees. "Speaking of marriage fees," prominent clergyman said, "recalls : very embarrassing blunder which was perpetrated upon an innocent brother clergyman recently. The groom, who was not a very nervous fellow either, carelessly poked an old plantation the five dollar bill which he intended as the marriage fee. During the excitement which followed the ceremo ny, the young man placed the plantation ballad in the palm of the clergyman. After a fervent God-speed, the officiating clergyman left without inspecting the negro song. The divine was indignant when he discovered Zurica, July 7 .- The disaster at Zug | the nature of the bit of paper which he had stowed away in his wallet. He felt insulted. However friends interceded, the young man found the five dollar bill in his vest pocket, made a allaying the ire of the indignant clergyman. "When in California," the ecclesi-

> ence with a presumptuous groom. The witness, a prominent physician, requested me to come to a hotel to marry the couple. I complied, and after the ceremony the groom began to fumble a twenty-dollar gold piece about between his thumb and index fingers. Of course, all present observed the coin. Finally the young man sidled toward the piazza door and beckoned me to follow. When the door shut us from the bride and the doctor, the young Benedict slipped the double eagle into his trousers pocket and fished out twenty shillings in silver as my fee. I said nothing, but when I came to forward a certificate I filled it out on a piece of foolscap paper. I heard from the groom's friend, the doctor, in due time. He demanded an explanation of my effrontery. When I meekly informed that I could not afford to furfee was so small, I received five dollars from the groom for a proper statement of the marriage."

astic continued, "I had a little experi-

The clergymen then narrated how on his wife he found a couple seated in a buggy waiting before his door. They desired to be united in the holy bonds incurred at Gettysburg by Mrs. Pickett of wedlock, and when the ceremony peared rather dull, continued to linger bill, W. S. Stockton, of the Seventy-first occasionally and looked hard at the and more uneasy. When all the topics were considered the guests of the Philaone and a half hours after the cere- rose colored granite.

mony had been concluded, the bride crowded the groom to the door and was seemingly determined to get him out of the room. Just as the door was about to be swung open the groom plunged his hands into his trousers pocket, drew forth a fifty-cent silver piece, blushed violently and hurried from the house. "However," said the clergyman, 'I had more respect for this poor fellow than I did for the impositor who gave me two dollars and ifty cents after he had given his bride and friends to understand that I was to receive twenty dollars. I furnished the groom who compensated me with fifty cents with a fine marriage certificate."-Albany Journal.

OLD-TIME NOTIONS.

A Few Words About the Moon's Influence on Agriculture.

We hear less and less in agricultural

circles about the moon's influence upon erop-growing and upon agricultural practice in general. Yet there are many who still adhere to the old-time notions that have influenced so many in their farm practices during a lifetime. Regarding rain-fall, a series of observations was made some years since in England, and simultaneously these observations were made in other countries. The result was-the object being to note the difference, if any, in the amount of rainfall during the different phases of the moon-that the amount was about the same. Observations were made at a certain point advocated active work with men in the in France, covering a period sufficiently extended to settle the question as to the frequency of rain-fall in one stage of the moon as compared to that of another stage. Nine rainy days occured in that period commonly known with some people as the growing stage. to eleven in the opposite stage. Similar observations were made in Gerpen. The express went down the bank, bureaus and many workers. Mechan- many about the same time, running ical or routine work is now performed through a period of ten years. These by women in many statistical depart- observations showed 845 rainy days in from statistics. A thorough training there were fifty-five rainy days during the increase, against fifty during the waning period. Now, traditions fail of them are thought to be fatally injured. woman who possesses these qualifica- in proving any thing, though running The names of the wounded, as far as tions might find open a prosperous through centuries, while observations. carefully made during a period of years, can be relied upon. The idea that plants grow most rapidly during the full moon is not sustained by obreform has become a fact in large cit- servation, though it is thought by some observers that aquatic plants do should be secured by the owners of grow more rapidly in the light than in many tenements to carry out the de- the dark of the moon. There is Hill, in England, Mrs. Lincoln and full moon brings cool weather. This others of this country, have shown that is explained by the fact that the earth women are admirable workers in this receives the full rays of the sun, as also the reflected rays of the moon; sessing many details finds expression hence promoting absorption, clearing in overseeing the sanitary features of the atmosphere, and in the early spring buildings, in requiring tenants to ob- frosts follow or accompany clear serve rules of cleanliness and order of nights. But when all knowledge regarding the moon and its influences has things noticed by a woman's eye. been summed up, it is not represented Tenement-house agency may be turned by a heavy sun, certainly not by what by women into a genuine means of im- any man can safely base his agriculprovement of the tenants. Their per- tural practices upon. The farmer that sonal welfare in regard to temperance | manures well, plows deep, according to the Large Cities, Who Propose to see and sobriety may be increased by a the kind of land he has, plows when woman of benevolent and decisive the land is not too wet, drains his land, nses good seed, puts it in at the right time, and keeps down the weeds, will have no occasion to study the moon. --National Live-Stock Journal.

SNAKE-CHARMING.

Cost of Tuition and the Rapidity With Which the Reptiles Learn. There are men who teach snake charming as a business. One of them talking the other day said women learn the accomplishment quicker than the sterner sex and follow it in the museums. Tuition costs, he said, from \$300 to \$500, according to how rapidly they learn. This, of course, includes the whole thing, not only how to handle the snakes, but also to do different tricks with them, which are all com-

bined in what is known as the snake, act. This consists in making a cap or turban of the snake and putting it on the head, making a sash of one by arranging it around the body, a belt by placing it around the waist or a pair of wristlets of small stakes. The act also includes putting all these on the person at one time so that the body is covered with snakes, eight or nine of them at a time. When covered with them in this way the woman supports about two hundred pounds of snakes

and can scarcely walk. There is a great deal in knowing the nature of snakes, particularly the position they get in when they are about to strike. After they strike once they never get over it. When they once bite you they will try and do it again every chance they get. No, we don't give them any drug nor rub them quiet beforehand, as many people suppose. All that is necessary is to show them that you are not afraid of them. So after the woman gets confidence in her work, she can get along all right. I get the snake I teach them with under control, and then allow the woman to begin to handle it.

You see, snakes have brains as well as other animals. They never close their eyes, and watch all the time. The cost of the snakes varies from \$35 to \$150 and \$200 apiece, and in weight they run from one hundred pounds down to thirty, ten and even five pounds. All this talk about feeding a snake to make it tame and easy to handle is nonsense. They are simply like any other wild animal. In charming them we use no mesmerism or any thing of the kind-it's only to make them know that you are master, to go at them without fear. - Philadelphia

A Slight Misunderstanding.

Mrs Kettledrum (loftily, to new maid)-My dress, Marie. Take it off

Marie (nee Bridget, regarding her own gown) - Your dress, indade! And sure 'twas Miss Flannagan said she'd give me a shtoile the aqual of any in town; but it's little I thought t'would lade to me being called a thafe!"-Harper's Bazar.

-St. Genevieve is the oldest town in Missouri, and just last week woke